

A
 LETTER to a Friend
 IN
 ANSWER
 TO THE
Enquiry into the present State of Affairs.

SIR,

I Thank you for sending me the *Enquiry into the present State of Affairs*; for I am very glad to find, that it is a question still, whether we should treat with the King, and call him back, which I was afraid was quite out of doors; but the Zeal of this Author, who seems to be a dear Friend to Kings, to prove we ought not to treat, makes me hope, that a great many are of the mind we should, and his Reasons against it, I hope, will make a great many more of that mind. It is a great satisfaction to me, to find a Man, who seems neither to want Wit nor Words, not to be able to speak common Sense in this Argument.

There needs no other reason to prove, that we are bound in Conscience to treat with our King, and to bring him back, if we can, than that he is our King still; and therefore the Enquirer begins with this, to prove that he is no King, and if he can prove it, then fare him well. But how does he prove this? His Argument is, *That the reciprocal Duties in Civil Societies, are Protection and Allegiance, and whereforever the one fails wholly, the other falls with it*, pag. 3. Now if the relation between King and Subjects did depend on their mutual Duties to each other, and not the Duties result from the antecedent Relation; there might be somewhat in this: But if the King be a King, not by governing well, but by Birth-right, and an hereditary Succession, he no more ceases to be a King by governing ill (as far as this reason goes) than a Subject, who is a Traitor and Rebel, ceases to be a Subject; the Relation continues, tho the Duty fails, because the Duty is not the Foundation of the Relation, but a moral Obligation resulting from the Relation.

But, I confess, I thought the Enquirer mad, when I found he would prove this from the paternal Relation, and absolve Sons from all Duty and Obedience, *When a Father ceases to be a Father by becoming an Enemy*. For this is so sensible a Confutation of his Maxim, that every Father understands it. A Father can never cease to be a Father, how great a Tyrant soever he be; nor can a Son ever cease to be a Son, or to owe the Duty of a Son to his Father; he is not indeed bound to obey his Father to his own apparent Ruine and Destruction, but he is bound to pay all the Duty of a Son to him, as far as he can; and if the Father ever return to a better Mind, the Relation is not dissolved, nor new made by it. As Fathers like our Casuist in this, let them swallow the rest, only remembering, that their Sons may deal by them, as they deal by thier King.

But I can pardon his hardness in this, when I find he ventures upon *S. Paul*, and hopes to prove the Doctrin of Deposing Kings, from 13. *Rom.* read the first seven Verses at leisure, and judg of the Enquirers Comment; I shall only observe the Apostle assigns the reason and foundation of our Obedience, and gives a motive to it; the reason is, that *the powers that be are ordained of God*,
and

and he that resisteth the power, resisteth the ordinance of God, and must be damn'd for it. Now this reason, I think, is not for Deposing the King, and refusing to treat with him, and yet this reason eternally holds for all Sovereign Princes, if all Powers be the Ordinance of God, and the Ministers of God. But then the motive or encouragement to Obedience is, that they are *the Ministers of God to thee for good*, which is generally true, as moral Motives are, and if they fail in any instance, our Motive to Obedience is lost, but not the reason of it; for if we were excused from every Duty, when any Motive to the Duty fails, especially such Motives as concern present and sensible Advantages; there are few Duties of Religion, which would always oblige us. It is a good Motive to Temperance, Sobriety, and Chastity, that these Virtues preserve our health, and increase our Estates, but I hope, our obligation to these Virtues don't cease, when it is for our health to Fornicate, or gives us great Advantages in our Trade, to drink with drunken Customors; this is all he has to say, why the King is no King; and those who can be satisfied with this, may be his Disciples.

The sum of his next Section is, p. 4. That the King attempted the *Subversion of our Government and Laws*; Suppose that, then Nature teaches a *short way of reasoning*, to forget that one is *their Governor*, when they clearly see, that he intends to turn their *Destroyer*: Grant this to, that Nature will teach Men to resist unjust Violence; and suppose that this will justify what has hitherto been done, what is this to what some Men are now a doing? When this illegal Power is broken by the glorious undertaking of the Prince of *Orange*, and we may have all just Securities, that it shall never hurt us more: Is this any reason against treating with the King, who is our King still, and may be our Governor without any danger of being our Destroyer?

But there is an untoward Maxim in our Law, which greatly troubles him, that *the King can do no wrong*; for if this be true, it is a demonstration by our Law, that the King can never forfeit his Crown, unless he may be deposed without doing any wrong: To get rid of this, he tells us, p. 11. *the meaning of it is only this, that the King's Power cannot go so far as to support him in the doing any Injustice or Wrong to any*; that is, the meaning of *the King can do no wrong*, is not, that he can do no wrong, but that if he do wrong, he shall be as accountable for it, as any of his Subjects, which is a great priviledg Kings have. This he proves from the Examples of *Ed. 2.* and *Rich. 2.* Who were judged in Parliament for Mal-administration, and since these Judgments were never vacated by any subsequent Parliaments, these Proceedings are a part of our Law. I shall not trouble you with an account of these particular Stories, which are wide enough from our Case. But suppose what he would have: Have such Practices as these never been condemned? No Laws ever made against the like Practices? Yet he dares not say, nay confesses the contrary; but yet, as long as the Proceedings remain upon record, they are good Precedents, and justify our right to defend our selves in extreme necessity; as if it were not enough to make a Law against such Practices, without an express condemnation of all contrary Proceedings in former times? As if the contrary Proceedings of former Ages could justify us in the breach of express Laws now.

But to return to our Maxim; Our Law is not so absurd as to suppose, that it is impossible for a King to command, persuade, solicit his Ministers to do any unjust and illegal thing; but the King does nothing himself, but by his Ministers, and they can plead the King's Authority no further than his Laws, and therefore must take no notice of his illegal Desires, and if they do, not the King, but they are accountable for it, which sets him above the judgment of his Subjects, and for that reason makes his Ministers answerable for all Abuses; and therefore the Prince of *Orange* laid all the fault upon Ministers and evil Counsellors, which he grants was matter of decency in the Prince, but I think is somewhat more; for whatever Prince hopes to set upon the *English* Throne, is concerned to preserve the Majesty of Kings sacred and inviolable; but he will not allow the representation of the Kingdom to be so tender, *but to lay the blame where it ought to be laid*, he means on the King himself; and yet, had not his Ministers complied, there had been no blame to have been laid any where, for there had been no hurt done, and therefore I think the blame ought to be laid on them.

Another rub in his way, is the Oath of Supremacy and Allegiance, and against taking Arms against the King, pag. 9. but he says, *the end and design of these Oaths was to secure us against the danger of Popery*, to secure the King's Person, Crown, and Dignity (he should say) both against Popish and Protestant Treasons; but they are made to a Prince that subsists upon Law, that is a legal Prince, and so King *James II.* is, and that rules by Law, that is, to support his legal Crown, and Dignity, and this is all we plead for; we do not swear to maintain his illegal Usurpations, and therefore are not bound to fight in such a Cause; but we swear to defend his legal Dignity and Power, and therefore are absolutely bound not to take away what the Law gives him, and therefore

fore can never take away his Crown. The Matrimonial Oath indeed for Life, does not oblige in case of Adultery, because Christ himself has allowed that to be a just cause of Divorce, and when he can shew me any Law of God, or of our Country, which upon any cause dissolves our Allegiance to the King, I will allow that to be an exception from the Oath of Allegiance; but till he has done this, he is a little too hasty to talk of the next Heir, and then, I doubt, his Law of Nations about a Femme Covert will not concern a Sovereign Princess, who is no Femme Covert (which is a Name of Subjection) in her Politick capacity. The descent of the Crown must be governed by the Laws of the Land; and both *England* and *Scotland* know no such Law, that the Husband to the Queen Regent must enjoy all her Political Rights, and therefore her Regal Power and Crown; for a Queen Regent's Husband may be a Subject: but our Author is all of a piece, understands Nature and Religion, Laws and Politicks all alike. In the next place, let us consider how he proves that *K. James II.* ceases to be our King: he has, I confess, a good Argument to prove that if we set him aside we ought not to allow him the Title of King, (p. 7.) lest if People be used to call him King, they should in time think they ought to obey him, and call him home again; and I believe he guesses pretty right: but as for proving him to be no King, he dares not stick to any one Plea, but makes a kind of accumulative Treason of it.

Sometimes his withdrawing his Person and Seals is a giving up the Government, (p. 5.) as if Intermision of Government were a total giving up a Right, so that he cannot claim it again if he returns; and yet he grants, in case of present danger and just fear, this ought not to be pressed too far; but then it is indecent to suppose Kings can be subject to fear, that is, we must not suppose them to be Men; for if they are, Fear is a human Passion. Well, but he had no just cause of fear: I won't dispute that; but suppose he was afraid without just cause, does not fear still make the Action involuntary, and save the forfeiture of the Crown; and if it does, what difference is there between his first and second withdrawing? for it seems he apprehends that there was more just cause of fear the second time, and therefore will not lay the Accusation there, but upon his first going (p. 15.) and yet it is a probable Argument he was afraid at first, because Kings don't use to forsake their Kingdoms without fear.

But what need of pretending the King's going away, if his Subversion of the Government and Laws dissolved the Government? (p. 5.) for it seems he was no King before he went, nor to be look'd on as a King, but a Destroyer; so that whether he had gone or stayed, the thing had been the same: but if the King can do no wrong, he can never forfeit his Crown by Mal-administration; at least an *ipso facto* forfeiture was never heard of in Kings; it is more reasonable to bring him to a Tryal, than to judge and condemn and depose him, without hearing, which is thought hard usage for a Subject; this our Author insinuates in the Case of *Edw. II.* and *Rich. II.* but the mischief is, they know not how to frame the Indictment, where to find Judges, and his Peers to try him; which is an Argument our Law knows nothing of Trying Kings, because it has made no provision for it.

Well, but it seems he never was King, for he lay under a disability from the beginning, as being a Papist, (p. 14.) What, before any Law is made to exclude Papists from Succession to the Crown? What is fitting to be done, or what may be done, to prevent the like mischiefs for the future, I shall leave to wiser Heads; but no Man in his Wits will say, as things are now, that a Papist cannot be King of *England*.

In the next place, let us consider his Arguments against treating with the King, and I shall pick them up, and reduce them into as good order as I can.

1. That we must not treat with him; but if he be our King still, we must only ask his Pardon for what is past, without entering upon any previous Treaty, or presuming to offer any Articles to him, (p. 6.) I pray, why so? Had the King never gone away, might not the Parliament have treated with him to restore things to their old legal bottom? And why may they not do so now? especially since the Prince, who is no Subject of *England*, out of his generous care of our Religion and Liberties, came to demand a Treaty, and it cannot be expected by the King that he should quietly go away again without it; which is an advantage we owe to the Providence of God, and to the Care and Conduct of the Prince, for which we can never be sufficiently thankful.

2. Another Argument is, That any diminution of the Regal Authority, imposed upon the King, as the condition upon which only he can be admitted, is as real a breach of the Oath of Allegiance as a total shaking him off; (p. 10.) But not to treat a breach, by his favour. Now since we can have no legal Parliament without swearing first the Oath of Allegiance to the King, it

is a scorn put on God and Religion if one swear this Oath to the King after he is reduced to that naked state to which these Treaters pretend to bring him, (p. 11.) But now suppose these Treaters do not intend to reduce the King to such a naked state, nor to diminish his Legal Authority, I hope there is no hurt in it then: and yet this is all they desire, not to strip the Crown of any Legal Authority, but to reduce the King within the bounds of Law, and to have security from him that he shall not exceed these bounds.

3. This you'll say were somewhat indeed; but that is the great Objection of all, That the King can give no security to govern by Law, (p. 8, 9.) *His Promises and Oaths are very insignificant, when Popery is in the other Scale.* Then to please him, we won't take Oaths and Promises for security: well, but no Limitation by Law will do neither, witness the Test Act which was broke through by a Dispensing Power. But if this Power of Dispensing be regulated, or condemned by Act of Parliament, I hope that Objection is gone: but all such Limitations must be a disavowal of the Crown, which are null and void of themselves: It may be, that, as it has been applied, is as good Law as the Dispensing Power, and may have the same fate with it; but if you take away no Legal Authority, there can be no disavowal of the Crown: how to do this I won't pretend to direct, the Wisdom of a Parliament will easily find that out; and if such Laws may be made as will secure us, and execute themselves, I think we are safe. In short, the sum of this Argument is, that a Parliament it self can do nothing for our security without deposing the King; and yet the whole Nation thought they could, and desired no greater security than a Parliament, that had free Liberty to make Laws, could give them; and the Prince himself thought this would do, and therefore desires no more in his Declaration.

And yet he is at this again, particularly with reference to the Tryal of the Prince of Wales, which he thinks cannot be done by a Parliament, if we treat with the King: but the Prince was contented to leave that also to a Parliament; and all his Arguments against it are only so many scandalous Libels against one of the most August Assemblies in the World, (p. 12, 12.) And it is a hard case, that a King must be first Deposed, that they may afterwards try the Cause for which they Depose him.

4. Another Argument against Treating with the King, is, *That the Nation can have no Security by Law, either for what is done or for what may remain yet to be done, but by Acts passed by King, Lords, and Commons;* and it is unmerciful to keep Men in suspense so long for a Pardon; that is, The King must be Deposed without Treating, that he may have no power ever to hurt; but for his comfort I can tell him, the King's Pardon under the Broad Seal is good in Law, at least against himself, or any one else but a Parliament; and when a Parliament sits, this may be passed into an Act, and to be sure will be, since the Nation is so much concerned, and the Prince present to see it done: and if this will not satisfy our Enquirer, yet I think few, besides him, will think it an Objection.

Some other things he says, which are not worth notice. Sometimes he is afraid, that after all their Talk of Treating with the King, they should bring him in without Terms, (p. 8, 9.) which is well guessed, when so many Men are concerned to have terms, and the Prince is here to demand them. At other times he is afraid, that while Men talk of a Treaty, Peoples minds should alter, and they should be in good earnest for bringing back the King; and let him hear on by my consent, I do not desire to answer that Argument: but the vilest Insinuation is, as if the Talk of a Treaty were only a Ceremony and Complement to part with the King more decently, and says well, *That it is more suitable to the Dignity and Wisdom of the Nation to act frankly and above-board, than to think to varnish it over with some outward Appearances;* and I am very much of his mind upon this Supposition, but hope the Treaters are honest Men.

In his Conclusion he gives a Bit and a Knock to some great Men of our Church; commends them for their Zeal against Popery, but thinks it a blemish to them that they are so obstinate in their Loyalty. I believe, they take it for no great Complement to be commended at the end of such a Pamphlet; and as much as he thinks Nature prevails over them not to own an Error, I dare undertake for those of them I know, for I can easily guess whom he means, that they will be ready to recant all they have writ for Submission to Princes, when he can answer half of it.

I am, S I R,

Yours.